

Docket No. F-7931

Ser. No. 10/723,279

REMARKS

Claims 11-22 are now pending in this application. Claims 1-10 are rejected. Claims 1-10 are cancelled herein. New claims 11-22 are added which clarify the invention and broaden language as deemed appropriate and to address matters of form unrelated to substantive patentability issues.

DISCLOSURE OBJECTION

The specification is objected to for applying the reference designator "822" to both the inner rails an the swivel upper. The specification is now amended to correct the informality by changing the reference designator "822" of the swivel upper to "821." Withdrawal of the objection is respectfully requested.

CLAIM REJECTIONS UNDER § 112, SECOND PARAGRAPH

Claims 1-10 are rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention as a result of informalities stated in the Office Action. The claims are now cancelled rendering said rejection moot.

Docket No. F-7931

Ser. No. 10/723,279

CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1 and 2 are rejected as obvious over in view of admitted prior art in view of Lyons under 35 U.S.C. §103(a). Claims 3 and 4 are rejected as obvious over in view of admitted prior art in view of Lyons and further in view of Wagener under 35 U.S.C. §103(a). Claims 3 and 4 are rejected as obvious over in view of admitted prior art in view of Lyons and further in view of Wagener and Barclay under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

Claims 1-10 are now cancelled rendering their rejection moot. However, insofar as the subject matter of new claims 11-22 reflects that of the cancelled claims and in the event the Examiner considers asserting the present rejection against the new claims 11-22 or making the next Office Action final, applicants submit the following remarks.

Claim 11 recites the following features and combination of features not taught or suggested by the applied references:

a first drive mechanism for extending and retracting said first frame relative to said base between said first frame first position and said first frame second position extended from said base, said first drive mechanism having a first driven member

Docket No. I-7931

Ser. No. 10/723,279

extending and retracting said first frame relative to said base; and a second drive mechanism for extending and retracting said second frame relative to said base and said first frame between said second frame first position and said second frame second position extended from said base, said second drive mechanism having a second driven member connected to said second frame to apply force to said second frame to extend said second frame relative to said first frame to said second frame second position, said second driven member being independent of said first driven member and driven by displacement of said first frame relative said base.

The present invention provides a first drive mechanism which extends and retracts the first frame using a first driven member, and a second drive mechanism which applied force to extend the second frame using a second drive member that is independent of the first drive member. Furthermore, the second drive mechanism is driven by relative movement of the first frame relative to the base.

In contrast, the admitted prior art lacks a driven member which applies force to extend the second frame relative to the first frame. In order to provide a teaching filling this deficiency, the Lyons reference is cited for teaching a drive mechanism for extending a step relative another extendable step. However, the Lyons reference uses the same driven chain 63 to extend both the bottom step and the step above it. This chain 63 is part of a drive mechanism that extends both the bottom step and the step above. The invention of claim 11, has two drive mechanisms, the second mechanism uses a drive member that is independent of the drive member of the first drive mechanism. As such, the combination of the prior

Docket No. F-7931

Ser. No. 10/723,279

art and the Lyons reference fails to provide a teaching of all the features of claim 1, and does not suggest the drive arrangement.

Claim 12 further recites that the second driven member "is a flexible linear member having a first end connected to said second frame, and a second end connected to said base." The Office Action alleges that the Lyons reference "generally teaches that the chain 63 is connected on the base at fixing points 64 and 65." However, fixing points 64 and 65 are on the bottom step 14 which does not correspond to the claimed base since the bottom step 14 of Lyons is extendable and retractable and would thus correspond to the second frame of the present invention. Furthermore, both ends of the chain 63 are connected to the same element, the bottom step 14. In contrast, claim 12 has the flexible linear member has ends connected to different elements, the second frame and the base, and an intermediate portion which turns around on a turnaround member on the first end of the first frame. This connection and travel arrangement is not suggested by any of the cited references.

Thus, it is respectfully submitted that the new claims are not obvious in view of the cited references for the reasons stated above.

Docket No. F-7931

Ser. No. 10/723,279

ALLOWABLE SUBJECT MATTER OBJECTIONS

Claims 7-10 are objected to as being dependent from rejected base claims.

The Examiner indicates that the claims contain allowable subject matter and would be allowed if put in independent form incorporating the limitations of the base and intervening claims. New independent claim 20 is now presented and includes the subject matter relating to "a slidable contact resistance between said second bar and said second holding portion being lower than a slidable contact resistance between said first bar and said first holding portion" which was present in original claims 7-10. As such, claims 20-22, and claims 18 and 19 are presented as patentable and their allowance is respectfully requested.

REQUEST FOR EXTENSION OF TIME

Applicant respectfully requests a two month extension of time for responding to the Office Action. Please charge the fee of \$450.00 for the extension of time to Deposit Account No. 10-1250.

If there is any discrepancy between the fee(s) due and the fee payment authorized, the USPTO is hereby authorized to charge any fee(s) or fee(s)

Docket No. I-7931

Ser. No. 10/723,279

deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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